

THE LAW FIRM OF
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March 12, 2024

VIA ECF

JUDGE DALE E. HO
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Meisner v. 607 10th Ave Properties LLC et al
Docket No.: 23-cv-00506 (DEH)

Your Honor:

This firm represents the Defendants in the above referenced case, which is scheduled for a jury trial to begin on May 6, 2024. The purpose of this letter is to request a brief adjournment of the trial due to scheduling conflicts that developed with this office. I reached out to Plaintiff's counsel on March 8, 2024 to determine whether they had any objections to this request and their availability in late May and June 2024. They had no objection to our request and the parties are all available the weeks of May 20, May 27 and June 24 as alternative trial weeks.

The reason that this firm requests an adjournment of the trial is due to the fact that we now have three trials all scheduled for the week of May 6, 2024, which is well beyond the capabilities of a solo practitioner such as me. In order to properly service all three affected clients, I need to space these trials out and certainly cannot try three cases in three different courts at the same time.

First, I have a bench trial in the matter of *Bartolomeo v. Chase* in Supreme Court, Nassau Supreme Index No.: 601417/2022, scheduled to begin on May 7, 2024. This is a business "divorce" involving two partners that jointly own approximately \$50M in commercial real estate on Long Island. This trial has been on the court's calendar since June 14, 2023 and requesting an adjournment will likely delay it for another year. I have to give this trial first priority because it has been on the schedule for the longest period of time and delaying it would result in the most prejudice to my client.

Second, I have a jury trial scheduled for May 6, 2024 in the matter of *Wilson v. Jamaica Service Program for Older Adults et al.*, EDNY Docket No.: 21 cv 01263. This trial is a FLSA collective action involving 18 opt-in plaintiffs. On March 7, 2024, I wrote to Judge Brian Cogan, who is presiding over this jury trial, to request an adjournment of the trial for the same reasons

herein and the Court denied my request to adjourn the trial without prejudice to renewal as of the week of April 29th. The Court's Order (attached) stated that it would only defer to the *Bartolomeo* case (and not *Meisner*) and only if it is absolutely clear the *Bartolomeo* trial is moving forward. Therefore, even if the *Bartolomeo* case settles before trial or is administratively adjourned by the Court, this firm will be trying the *Wilson* matter on the week of May 6th.

For all these reasons, I respectfully request the adjournment of the May 6th trial date to the weeks of May 20th, May 27th or June 24th. Again, Plaintiff is also available these weeks and has no objection to my adjournment request.

Respectfully submitted,



Adam C. Weiss

ACW:

Encl.

cc: Counsel for Plaintiff

Application **GRANTED**. The jury trial in this action will begin on **May 20, 2024, at 9:45 A.M.** in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. All other deadlines -- in particular, the March 15, 2024, deadline to file requests to charge, voir dire, and verdict form, and the March 22, 2024, deadline to file the final pretrial order -- remain the same. A final pretrial conference will be scheduled following receipt of these materials. In light of the procedural history of this case, the parties' failure to file motions *in limine*, and the fact that the parties propose the May 20th trial date, further adjournment of the trial will not be granted absent extraordinary circumstances. The parties are reminded of their ability to consent to proceed before a Magistrate Judge if they would like further adjournment of trial or any trial-related deadlines. A form order is available at <https://www.nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge>. So Ordered.

The Clerk of Court is respectfully directed to close the motion at ECF No. 41.



Dale E. Ho
United States District Judge
Dated: March 13, 2024
New York, New York